

REMARKS

Claims 76-99 are pending in the Application. Claims 76-77, 80-85, 88-93 and 96-99 are rejected under 35 U.S.C. §103(a) as being unpatentable over Braden (Requirement for Internet Hosts RFC 1122). Applicants respectfully traverse for at least the reasons stated in the response with a mailing date of April 15, 2004. However, merely to advance prosecution, Applicants cancel claims 76-77, 84-85 and 92-93 without prejudice or disclaimer. Applicants reserve the right to file a continuation application to capture the subject matter of originally filed claims 76-77, 84-85 and 92-93.

Claims 80-81, 88-89 and 96-97 were objected because the term "said alternative gateway" in claims 80-81, 88-89 and 96-97 lacked antecedent basis. Applicants have amended claims 80-81, 88-89 and 96-97 by replacing the term "said alternative gateway" with "an alternative gateway" as indicated above. Accordingly, Applicants kindly request the Examiner to withdraw the objection to claims 80-81, 88-89 and 96-97.

Claims 78-79, 86-87 and 94-95 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 78, 86 and 94 to be rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 80, 81, 82, 88, 89, 90, 96, 97 and 98 to be dependent upon amended claims 78, 86 and 94 and therefore claims 78-83, 86-91 and 94-99 are allowable. Applicants kindly request the Examiner to issue a notice of allowance allowing claims 78-83, 86-91 and 94-99.

Applicants note that claims 78, 86 and 94 were not amended to overcome prior art but to be written in independent form. Applicants further note that claims 80, 81, 82, 88, 89, 90, 96, 97 and 98 were not amended to overcome prior art but in response to canceling claims 76-77, 84-85 and 92-93. Applicants further note that claims 80-81, 88-89 and 96-97 were further amended to correct a typographical mistake and not to overcome prior art. Hence, the amendments made to claims 78,

80, 81, 82, 86, 88, 89, 90, 94, 96, 97 and 98 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 78, 80, 81, 82, 86, 88, 89, 90, 94, 96, 97 and 98. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 78, 80, 81, 82, 86, 88, 89, 90, 94, 96, 97 and 98 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

CONCLUSION


As a result of the foregoing, it is asserted by Applicants that claims 78-83, 86-91 and 94-99 in the Application are in condition for allowance, and respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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